

CHAPTER 49
SCHOOL AND PROBATIONARY MOTOR VEHICLE LICENSES
H.F. 587

AN ACT relating to motor vehicle licenses by allowing use of minors' school licenses for travel between schools of enrollment, by exempting certain prior holders of minors' school licenses from being required to take a motorcycle education course before being issued operators' licenses, and by exempting certain prior holders of one-year probationary operators' licenses from being required to take approved driver education courses before being issued operators' licenses and providing the bill is effective upon publication.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.194, Code 1983, is amended to read as follows:

321.194 MINORS' SCHOOL LICENSES. Upon certification of a special need by the school board or the superintendent of the applicant's school, the department may issue a restricted license to ~~any~~ a person between the ages of fourteen and eighteen years ~~which~~. The license shall entitle the holder, while having the license in his or her immediate possession, to operate a motor vehicle during the hours of 6 a.m. to 9 p.m. over the most direct and accessible route between the licensee's residence and ~~school~~ schools of enrollment and between schools of enrollment for the purpose of attending duly scheduled courses of instruction and extracurricular activities at ~~such school~~ the schools or at any time when accompanied by a parent or guardian, driver education instructor, or prospective driver education instructor who is a holder of a valid operator's or chauffeur's license, and who is actually occupying a seat beside the driver. The license shall expire on the licensee's eighteenth birthday or upon issuance of a probationary operator's license or operator's license.

PARAGRAPH DIVIDED. Each application shall be accompanied by a statement from the school board or superintendent of the applicant's school. The statement shall be upon a form provided by the department. The school board or superintendent shall certify that a need exists for the license and that ~~they~~ the board and superintendent are not responsible for ~~any~~ actions of the applicant as it ~~pertains~~ which pertain to the use of the restricted license. The department of public instruction shall adopt rules pursuant to chapter 17A establishing criteria for issuing a statement of necessity. Upon receipt of a statement of necessity, the department shall issue a restricted license. The fact that the applicant resides at a distance less than one mile from ~~his or her school~~ the applicant's schools of enrollment is prima-facie evidence of the nonexistence of necessity for the issuance of ~~such~~ a license.

PARAGRAPH DIVIDED. A license issued under this section is subject to suspension or revocation in like manner as any other license or permit issued under ~~any~~ a law of this state ~~and the~~. The department may also suspend ~~such~~ a license upon receiving satisfactory evidence that the licensee has violated the restrictions of the license or has been involved in one or more accidents chargeable to the licensee. The department may suspend ~~any~~ a license issued under this section upon receiving a record of the licensee's conviction for one violation and shall revoke the license upon receiving a record of conviction for two or more violations of

any a law of this state or city ordinance, other than parking regulations, regulating the operation of motor vehicles on highways and after. After revoking a license under this section the department shall not grant application for any a new license or permit until the expiration of one year or until the licensee attains his or her licensee's sixteenth birthday whichever is the longer period.

Sec. 2. A person who possessed prior to January 1, 1982, a minor's school license under section 321.194 valid for the operation of a motorcycle, shall not be required to successfully complete a motorcycle education course when applying for a motor vehicle license valid for the operation of a motorcycle under section 321.189, subsection 1. However this section does not apply to persons who have had their minors' school licenses suspended or revoked due to motor vehicle violations.

Sec. 3. Notwithstanding section 321.177, subsection 1, a person who possessed prior to July 1, 1982, a one-year probationary operator's license under section 321.178, subsection 2, shall not be required to complete an approved driver education course when applying for an operator's license under section 321.189, subsection 1, and the minimum age of the applicant shall be sixteen years. However this section does not apply to a person who has had the person's one-year probationary operator's license revoked, suspended, or canceled due to moving traffic violations.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in The Sun, a newspaper published in Mount Vernon, Iowa, and in The North Scott Press, a newspaper published in Eldridge, Iowa.

Approved April 26, 1983

I hereby certify that the foregoing Act, House File 587 was published in The Sun, Mount Vernon, Iowa on May 5, 1983 and in The North Scott Press, Eldridge, Iowa on May 5, 1983.

MARY JANE ODELL, *Secretary of State*

CHAPTER 50

DEFENDANT'S RELEASE BEFORE APPEARANCE BEFORE MAGISTRATE

S.F. 334

AN ACT relating to the release of a defendant before an appearance before a magistrate.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 804.1, unnumbered paragraph 2, Code 1983, is amended to read as follows:

Whenever If the complaint charges a simple misdemeanor public offense, the magistrate may issue a citation instead of a warrant of arrest. The citation shall set forth substantially the nature of the offense and shall command the person against whom the complaint was made